IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 12TH JANUARY 2007 / 22ND PAUSHA 1928

OP.No. 2112 of 2002(B)

PETITIONER:

ABDUL AZEEZ ARAKKAL, ARAKKAL HOUSE,
ANAKKAYAM P.O., MALAPPURAM.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS:
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1. **BHARAT PETROLEUM CORPORATION LTD.,**
   REP. BY THE DIVISIONAL MANAGER, COCHIN.

2. **THE DEALER SELECTION BOARD,**
   REP. BY ITS SECRETARY, G-48, 1ST FLOOR,
   NEAR BSNL OFFICE, PANAMPILLY NAGAR,
   COCHIN-36.

3. **BOJAN. K., S/O. NARAYANAN,**
   KARAPARAMBAN HOUSE, MANALODI ,
   P.O. NILAMBUR, MALAPPURAM-679 329.

BY ADV. SRI.N.N.SUGUNAPALAN
SRI.C.K.PAVITHRAN
SRI.M.X.XAVIER
SRI.ANTONY DOMINIC
SRI.A.K.JAYASANKAR NAMBIAR
BY GOVERNMENT PLEADER SRI.SURARSHAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 12 / 01 /2007 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.3612/2002 IN OP. NO.2112/2002

DISMISSED

12.1.2007 **SD/- S.SIRI JAGAN, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ADVERTISEMENT IN MALAYALA MANORAMA DT.13.6.01.

EXT.P2:- COPY OF THE TAX RECEIPT DT.23.4.01.

E.XT.P3:- COPY OF THE POSSESSION CERTIFICATE ISSUED BY VILLAGE OFFICER DT. 8.1.02.

E.XT.P4:- COPY OF THE AFFIDAVIT GIVEN BY PETITIONERS MOTHER DT.21.7.01.

EXT.P5:- COPY OF THE RECEIPT DT.25.7.01 ISSUED BY 1ST RESPONDENT'S OFFICE.

EXT.P6:- COPY OF THE INCOME CERTIFICATE DT.27.7.01.

EXT.P7:- COPY OF THE CALL LETTER ISSUED TO PETITIONER DT.21.12.01.

EXT.P8:- COPY OF THE CERTIFICATE ISSUED BY FEDERAL BANK DT.8.1.02.

EXT.P9:- COPY OF THE RELEVANT PORTION OF THE APPLICATION GIVEN BY PETITIONER.

EXT.P10:- COPY OF THE SKETCH OF THE PROPERTY OFFERED BY PETITIONER.

/TRUE COPY/

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S. SIRI JAGAN, J.

O.P. No. 2112 OF 2002 B

Dated this the 12th day of January, 2007

J U D G M E N T

The petitioner was an aspirant for appointment as a dealer for a retail outlet for petroleum products of the 1st respondent Corporation. However, the 3rd respondent was preferred to the petitioner among the applicants, who submitted their applications pursuant to Ext.P1 notification. The petitioner is challenging the selection of the 3rd respondent on the ground that the site offered by the 3rd respondent is not suitable for a retail outlet. The 1st respondent has filed a counter affidavit in paragraph 7 of which it is stated thus:

> " The various grounds raised in the OP are baseless and unsustainable. The applications were scrutinized as per the procedure and there was no scope to reject the application submitted by the 3rd respondent as indicated by the petitioner. The viability and suitability of the site offered by the 3rd respondent will be verified by the 1st respondent Corporation before finalizing the site. Before commencing the construction of the retail outlet, a No Objection Certificate from the District Collector is to be procured. Therefore, the apprehensions of the petitioner as to the suitability of the land offered by the 3rd respondent being wet land is totally unfounded. The 1st respondent has a right to demand suitable site of its choice and the 3rd respondent will have to fulfill the same within two months from the date of issue of letter of intent and failure to comply with the same will entail cancellation of the letter of intent."

In view of the statement there is absolutely no merit in the contention that the site offered by the 3rd respondent is not suitable for establishing a petroleum outlet. In any event, almost five years have already elapsed since the filing of the original petition. By this time, the 3rd respondent would have established the petroleum outlet. That being so, I do not find any merit in the original petition and accordingly the same is dismissed.

(S. SIRI JAGAN, JUDGE)

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S. SIRI JAGAN , J.

OP No.2112/02B

J U D G M E N T

12th January, 2007